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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,413

12/05/2003

Tom Tary

TAR50001

8386

7590 12/19/2006
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EXAMINER

SAN MARTIN, EDGARDO

ART UNIT

PAPER NUMBER

2837

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,413

Applicant(s)

TARY ET AL.

Examiner

Edgardo San Martin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on September 30, 2003. It is noted, however, that applicant has not filed a certified copy of the 2,443,427 application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claims 10, 12 and 13 are objected to because of the following informalities:

Applicant is advised that should claim 10 be found allowable, claims 12 and 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1 – 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohn et al. (EP 1 094 207).

With respect to claim 1, Hohn et al. teach a muffler assembly used for a boat or vehicle, the muffler assembly being installed between the engine and the engine exhaust discharge point of the boat or vehicle, the muffler assembly having an exhaust entry pipe, a generally permanent outer housing and a removable and replaceable internal core assembly which is inserted into and removed from the permanent outer housing, the muffler assembly and the internal core assembly having guide and positioning elements to correctly position the internal core assembly within the outer housing, the removable and replaceable internal core assembly having an inlet entrance which connects directly to the exhaust entry pipe of the muffler assembly such that the engine exhaust of the vehicle moves directly from the exhaust entry pipe into the replaceable internal core assembly (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claims 2 – 9, Hohn et al. teach the limitations described in the claims (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claims 10, 12 and 13, Hohn et al. teach a replaceable internal core assembly for a muffler assembly, the internal core assembly being removable from the muffler assembly and comprising at least one sound reducing element or at least one emission reduction element, a sealing plate adapted to engage with the housing and to form a seal between the housing and the internal core assembly and means to guide the internal core assembly into the housing and to maintain the internal core assembly in a removable relationship with the housing, the muffler assembly having an

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exhaust entry point and the internal core assembly having an inlet entrance, the inlet entrance connecting directly with the exhaust entry point to prevent dispersal of the exhaust between the exhaust entry point and the internal core assembly (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claims 11 and 14, Hohn et al. teach the limitations described in the claims (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claim 15, Hohn et al. teach a method of installing a replaceable internal core assembly within a muffler assembly having a housing comprising the steps of inserting the replaceable internal core assembly through an opening in the housing, correctly positioning the internal core assembly within the housing and sealing the internal core assembly with and retaining the internal core assembly within the housing in a removable relationship with the housing, the muffler assembly having an engine exhaust inlet and the internal core assembly having an exhaust inlet entrance, the exhaust inlet entrance of the internal core assembly being connected directly to the engine exhaust inlet of the muffler assembly to prevent dispersal of the exhaust between the engine exhaust inlet and the exhaust inlet entrance of the internal core assembly (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claims 16 – 18, Hohn et al. teach the limitations described in the claims (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claim 19, Hohn et al. teach a cartridge for insertion into a muffler casing, the cartridge containing at least one exhaust acoustical treatment element and being sealed by a gas tight enclosure prior to installation in the muffler casing, the

muffler casing having an engine exhaust inlet, the cartridge containing an entrance for the ingress of exhaust from an engine and an exitway for the egress of the exhaust following treatment of the exhaust within the cartridge, the entrance of the cartridge being operable to be connected directly to the engine exhaust inlet of the muffler casing (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claims 20 – 24, Hohn et al. teach the limitations described in the claims (Figs.2 – 8; paragraphs [0013] – [0038]).

With respect to claim 25, Hohn et al. teach a method of treating exhaust emanating from an engine comprising inserting a cartridge into a muffler casing, allowing the exhaust from the engine to directly enter the cartridge by way of an exhaust inlet without dispersal of exhaust between the exhaust inlet of the muffler casing and the cartridge, treating the exhaust within the cartridge to remove environmentally objectionable materials from the engine exhaust and allowing the treated exhaust to pass from the cartridge, and wherein the exhaust is treated by a catalyst within the cartridge.

With respect to claims 26 and 27, Hohn et al. teach the limitations described in the claims (Figs.2 – 8; paragraphs [0013] – [0038]).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner considers that the patent to Hohn et al. teach the limitations described in the claims as discussed above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

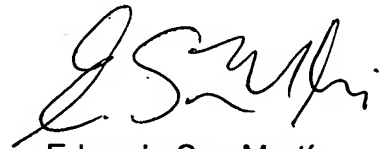
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 ext.37. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
December 13, 2006